IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

-

WRIT PETITION NO : 16496 of 2004

Between:

M.Sampath, S/o K.Maruthi,
R/o Quarter Nos.183/1,2,3 Old BMH Lines, Tirumulgherry,
Secunderabad-15

..... PETITIONER

AND

The Estate Officer cum Station Commandant, Indian Army Station Head Quarters, Bolarum, Secunderabad-10

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ or Order or direction or directions to call for the records from the Respondent Estate Officer to declare the law that the Respondent Estate Officer shall not break the walls or demolish Quarter Nos.183/1,2 without issuing the notices U/Sec.4 of the Public Premises (Eviction of Unauthorised occupants) Act, 1971, to the petitioner, to direct the respondent Estate Officer to not to interfere with the peaceful possession of the land of the Property of Quarter Nos.183/1,2 ole BMH Lines, Tirumulghery, Secunderabad- 15, situated by the side of Quarter No.183/3 old BMH-Lines, Trimulgherry, Secunderabad-15, to not to stop construction Renovation work carried out by the petitioner in respect of Quarter Nos.183/1,2 to give Electrical Water Connections to Quarter Nos.183/1,2,3 old BMH Lines, Tirumulgherry, Secunderabad-15, till the final disposal of the Main Writ Petition.

Counsel for the Petitioner: MR.Y.V.CHALAPATHY RAO

Counsel for the Respondent: MR.A.RAJASHEKAR REDDY (SC FOR CG)

The Court at the stage of admission made the following Order:

The learned counsel for the petitioner except making submission that he has stated in the affidavit, no single scrap of paper was filed along with the writ petition to show that the petitioner is in possession of property in Quarter Nos.183/1,2,3 situated at Old BMH lines, Trimulgherry, Secunderabad. Except stating in the writ petition that the petitioner's grand mother and mother were also in possession of Quarter Nos.183/1, 2, they are not made out as parties to this writ petition.

If the quarters are in occupation of the petitioner's grand mother and mother, it is needless to observe that the respondent is under obligation to issue necessary notices to them as was issued in case of Quarter No.183/3 to the petitioner. Without issuing any such notice as contemplated under Section 4 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, the respondents cannot take possession of the quarter Nos.183/1 and 2, if the same are in occupation. The petitioner is at liberty to produce such of the evidence before the respondent in order to prove that the said houses are also in occupation of the petitioner.

The writ petition is accordingly disposed of. No costs.

15th SEPTEMBER, 2004.

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To

1. The Estate Officer cum Station Commandant,

Indian Army Station Head Quarters, Bolarum, Secunderabad-10

2. Two CD copies.